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Dan Skopec
Acting Secretary
Cal/EPA

Department of Toxic Substances Control

Maureen F. Gorsen, Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Arnold Schwarzenegger
Governor

June 5, 2006

Mr. Dale Ellis
Assistant Director
Monterey County Planning and Building Inspection
168 West Abisal Street, 2nd Floor
Salinas, California 93901

LAND USE RESTRICTIONS RECORDED, PARCELS E2a, E4.1.2.1, E4.1.2.2, E4.1.2.3, E4.3.1.2, E4.3.2.1, E4.6.1, L5.6.1 and L5.6.2, FORMER FORT ORD, CALIFORNIA

Dear Mr. Ellis:

Pursuant to Health and Safety Code (HSC), Division 20, Section 25220(d), the Department of Toxic Substances Control (DTSC) and the Regional Water Quality Control Board (RWQCB) are notifying the local planning and building department that land use restrictions have been recorded for the subject properties. A copy of the Land Use Covenant (LUC), containing the land use restrictions, is enclosed.

HSC, Section 25220(d) requires that your agency file this recorded LUC in the property files of the city, county, or regional council of government. This LUC requires:

- (1) Restrictions on use of groundwater, including prohibiting construction of groundwater wells for extraction or utilization and any other activity that would interfere or adversely affect the groundwater remediation systems on the property or create a groundwater recharge area.
- (2) Notification to Federal and State regulatory agencies if activities adversely affect any groundwater treatment system.
- (3) Notification to any future buyers, lessees and sub lessees of the presence of hazardous substances in groundwater and,


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(4) reasonable right of access to regulatory agencies for inspection and monitoring of remedial systems.

Also enclosed for your information is a DTSC fact sheet which more clearly explains the LUC process. Please refer any person requesting an activity which is prohibited in the LUC to DTSC and RWQCB to apply for a variance of the land use restrictions, as appropriate.

If you have any questions, please contact Ms. Theresa McGarry, of my staff, at (916) 255-3664.

Sincerely,



Anthony J. Landis, P.E.
Chief
Northern California Operations
Office of Military Facilities

Enclosures

cc: Ms. Linda Rotharmel
Administrative Secretary
Monterey County Planning and Building Inspection
168 West Abisal Street, 2nd Floor
Salinas, California 93901

Ms. Gail Youngblood
Department of the Army
Environmental and Natural Resources
Post Office Box 5004
Presidio of Monterey, California 93944-5004

Mr. Michael Houlemard, Jr.
Fort Ord Reuse Authority
100 12th Street, Building 2880
Marina, California 93933

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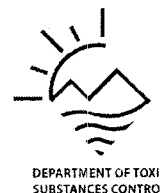
cc: Mr. Martin Hausladen
United States Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, California 94105

Mr. Grant Himebaugh
Regional Water Quality Control Board
Central Coast Division
81 Higuera Street, Suite 200
San Luis Obispo, California 93401-5414

Ms. Theresa McGarry
Office of Military Facilities
Department of Toxic Substances Control
8800 Cal Center Drive, Suite 200
Sacramento, California 95826-3200

Fact Sheet
April
2003

FACT SHEET Recorded Land Use Covenants (Assembly Bill 2436) and Regulations



DTSC is one of six Boards and Departments within the California Environmental Protection Agency. The Department's mission is to restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality, by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.

State of California



California
Environmental
Protection Agency



BACKGROUND

Utilizing land use covenants is one of the methods that the Department of Toxic Substances Control (DTSC) uses to protect the public from unsafe exposures to residual contamination that is left in place upon closure of a hazardous waste disposal facility, as part of either a short or long-term stabilization action, a corrective action, or a planned removal or remedial action. The term "land use covenants," as used in this fact sheet includes: written instruments and agreements restricting land uses, easements, servitudes, and land use restrictions. Recorded land use restrictions (or covenants) are provisions set forth in a document which can specify requirements on real property and affect the title, which is the evidence of ownership, to property. Land use covenants are recorded at the county recorder's office so that they will be found during a title search of the property deed. Land use covenants entered into or required by DTSC "run with the land," i.e., are binding on current and subsequent property owners, and remain in effect until they are formally removed or modified, pursuant to Health and Safety Code sections 25233, 25234, and 25398.7.

Previously enacted legislation, Assembly Bill (AB) 871 (Chapter 430, Stats. 1998) required DTSC to maintain a list of all land use covenants recorded pursuant to Health and Safety Code sections 25200, 25200.10, 25202.5, 25222.1, 25229, 25230, 25355.5, and 25398.7. At a minimum, this list must provide the street address, or if a street address is not available, an equivalent description for a rural location or the latitude and longitude of each property. DTSC is also required to update the list as new land use covenants are recorded, make the list available to the public, upon request, and shall place the list on DTSC's Internet website. The list, and a fact sheet describing AB 871, is available on DTSC's website at: www.dtsc.ca.gov/Mandated_Postings.html#deed.

RECORDED LAND USE COVENANTS POSTED ON DTSC'S WEBSITE

DTSC's Recorded Land Use Covenants List To Be Expanded

AB 2436 (Chapter 592, Stats. 2002), effective January 1, 2003, directs DTSC to include within its list of recorded land use covenants (and also includes land use

*(This fact sheet updates the December 2002 version: Recorded Land Use Covenants)
The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.
For a list of simple ways you can reduce demands and cut your energy costs, see our website at www.dtsc.ca.gov*

covenants recorded pursuant to Civil Code section 1471) all of the following:

1) a description of the location for each property that includes the address and assessor's parcel number, or if a street address or assessor's parcel number is not available, the list must include a description of the location or the location's geographic coordinates; 2) a description of any restricted uses of the property and any contaminants known to be present; and 3) any remediation, if known, that would be required to allow for its unrestricted use. The bill also allows for the posting of the entire land use covenant document in lieu of providing the latter two descriptions.

In addition to providing the required listing of covenants, DTSC is posting the entire land use covenant document on its Internet website. The requirements of AB 2436 are prospective, effective after January 1, 2003; however, DTSC has placed on the website any current and previously recorded land use covenants that it has entered into under the listed statutory authorities.

New Requirements For County Recorder's Offices

Pursuant to AB 2436, county recorders are authorized to send a copy of any land use covenant, recorded pursuant to Civil Code section 1471, to Cal/EPA for posting on its Internet website, unless the recorded land use covenant is entered into with either DTSC, California Integrated Waste Management Board, State Water Resource Control Board, or a Regional Water Quality Control Board. County recorders have immunity from liability if they do not send the land use covenant to Cal/EPA, and are permitted to assess a reasonable fee to cover the costs associated with sending land use covenants to Cal/EPA. A recorded land use covenant imposed due to the presence of a hazardous material must remain with the property when it is sold or otherwise transferred, unless the land use covenant states otherwise.

DTSC'S LAND USE COVENANT REGULATIONS

DTSC has adopted regulations to add section 67391.1 to title 22, division 4.5, chapter 39, California Code of Regulations. These regulations apply only to DTSC and specify that a land use covenant imposing appropriate limitations on land use shall be executed and recorded when hazardous materials, hazardous wastes or constituents, or hazardous substances will remain at the property at levels which are not suitable for unrestricted use of the land. The regulations require DTSC to clearly set forth and define land use limitations or covenants in a remedy selection or response action decision document prior to approving or concurring with a facility closure, corrective action, remedial or removal action, or other response actions undertaken pursuant to chapter 6.5, 6.8, or 6.85 of division 20 of the Health and Safety Code, or article 1 of chapter 1, part 10.5 of the Education Code when contamination will remain at the property at levels which are unsuitable for unrestricted use of the land.

Additionally, the regulations delineate various circumstances under which DTSC will or will not make decisions related to land use covenants. The final (approved) regulations and a fact sheet describing these regulations will soon be accessible on DTSC's homepage at: www.dtsc.ca.gov/LawsRegulationsPolicies/index.html.

AVAILABILITY

For more information regarding land use restrictions and land use covenant agreements, please see DTSC's fact sheets entitled "Land Use Covenant Agreements In California," and "Recorded Land Use Restrictions (AB 871)," as well as DTSC's Official Policy and Procedure #87-14 entitled "Development and Implementation of Land Use Covenants (1990)," which includes a revised Model Deed Restriction Document dated August 7, 1998. In addition, Management Memo #EO-02-002-MM entitled "Response Actions for Sites Where Future Use May Include Sensitive Uses" are on DTSC's website. These documents are available by connecting to DTSC's home page at: www.dtsc.ca.gov/SiteCleanup/index.html. You may also obtain a copy of DTSC's Site Mitigation and Brownfields Reuse Program's list of recorded land use covenants by contacting the office listed below.

Department of Toxic Substances Control
Site Mitigation and Brownfields Reuse Program
Planning and Policy Unit
P.O. Box 806
Sacramento, CA 95812-0806
(916) 327-4258

RECORDING REQUESTED BY:

U. S. Army Corps of Engineers
Real Estate Division, ATTN: CESP-K-RE-MC
1325 J Street
Sacramento, CA 95814-2922

Certified to be a true and correct copy of the
original documents recorded
under Recorder's Serial No. 2113106
of official records of Monterey County
Stewart Title
By: [Signature]

WHEN RECORDED, MAIL TO:

Department of Toxic Substances Control
Northern California Region
8800 Cal Center Drive
ATTN: Anthony J. Landis, P.E.
Chief of Northern California Operations
Office of Military Facilities
Sacramento, CA 95826-3200

(Space Above This Line For Recorder's Use Only)

COVENANT TO RESTRICT USE OF PROPERTY ENVIRONMENTAL RESTRICTION

Re: This Covenant and Agreement ("Covenant") is for a portion of the former Fort Ord consisting of Parcels E2a, E4.1.2.1, E4.1.2.2, E4.1.2.3, E4.3.1.2, E4.3.2.1, E4.6.1, L5.6.1 and L5.6.2 (the "Property"). The Property is described in the Finding of Suitability to Transfer (FOST), Former Fort Ord, California, Track 0 Plug-in C and Track 1 Parcels. The Property lies within a "Special Groundwater Protection Zone" as shown on the Former Fort Ord Special Groundwater Protection Zone Map (Exhibit "A") and defined by Monterey County Ordinance 04011 (Exhibit "B"). The Property, described below and shown on Exhibit "C", is within the jurisdiction of the City of Marina, California. Parcels E2a, E4.1.2.1, E4.1.2.2 and E4.1.2.3 are in the Main Garrison area of the former Fort Ord and include a portion of the Patton Park housing area. Parcels E4.3.1.2, E4.3.2.1, L5.6.1 and L5.6.2 include a portion of the Abrams Park housing area north of Imjin Road. Parcel E4.6.1 is a portion of Imjin Road adjacent to the Abrams Park housing area. Use of groundwater is prohibited on the Property. Representatives of the State of California and the United States have signed previous Covenants for portions of the former Fort Ord within the Special Groundwater Protection Zone.

This Covenant is made by and among The United States of America acting by and through the United States Department of the Army (also referred to herein as the "Covenantor"), the current owner of the herein described real property located in the County of Monterey, State of California, shown on Exhibit

CRUP/Special Groundwater Protection Zone - Prohibition Zone
FOST - Track 0 Plug-in C, Track 1 and Track 1 Plug-in Parcels (FOST 9)
Marina Group Parcels

California, shown on Exhibit "C" and described in Exhibit "D", attached hereto and incorporated herein by this reference (the "Property"), the State of California acting by and through the Department of Toxic Substances Control ("Department"), and the Central Coast Regional Water Quality Control Board ("Regional Water Board").

The Covenantor's statutory authority for transferring this Property is the Defense Base Closure and Realignment Act of 1990 (P.L. 101-510, Title XXIX, Nov. 5, 1990, as amended). The Covenantor intends to transfer the Property to the Fort Ord Reuse Authority (FORA). As a part of that transfer, the Covenantor will impose separate deed restrictions on the Property, which will be similar to the restrictions contained in this Covenant. FORA intends to transfer the parcels it receives to the City of Marina.

The Department and the Regional Water Board also wish to expedite the transfer of this property to FORA pursuant to the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA" 42 USCA § 9601 et seq.), Section 120(h). All of the former Fort Ord facility is subject to the requirements of CERCLA.

Pursuant to California Civil Code Section 1471(c), the Department and the Regional Water Board have determined that this Covenant is reasonably necessary to protect present or future human health or safety or the environment as a result of the presence of hazardous materials, as defined in the California Health and Safety Code ("H&SC") Section 25260(d), in the groundwater, and to protect waters of the state in accordance with California Water Code Division 7.

The Covenantor, the Department and the Regional Water Board, collectively referred to as the "Parties", hereby agree that the use of the Property will be restricted as set forth in this Covenant.

ARTICLE I

STATEMENT OF FACTS

1.01 The Covenantor has conducted remedial investigations at the former Fort Ord under the supervision and authority of the Department, the Regional Water Board and the United States Environmental Protection Agency (U.S. EPA). These remedial investigations identified contaminate plumes in the groundwater underlying the former Fort Ord in four areas, which are designated as Operable Unit 1 (OU1), Operable Unit 2 (OU2), Sites 2 and 12 (Sites 2/12) and Operable Unit Carbon Tetrachloride Plume (OUCTP), collectively referred to as the "Plumes". The groundwater in these four areas is contaminated with volatile organic compounds (VOCs). For OU1, OU2 and Sites 2/12, the primary Contaminant of Concern (COC) is trichloroethylene (TCE). For OUCTP, the primary COC is carbon tetrachloride (CT).

1.02 The maximum estimated concentration of TCE in the groundwater beneath the former Fort Ord

Fort Ord is 84 micrograms per liter ($\mu\text{g/L}$) as of June 2005. TCE is known to the State of California ("State") to cause cancer. The State Maximum Contaminant Level (MCL) for TCE is 5 $\mu\text{g/L}$.

1.03 The maximum estimated concentration of CT in the groundwater beneath the former Fort Ord is 11 $\mu\text{g/L}$ as of June 2005. CT is known to the State to cause cancer. The State MCL for CT is 0.5 $\mu\text{g/L}$.

1.04 Pursuant to the Fort Ord Federal Facility Agreement, signed by the Parties and the U.S. EPA in 1990, in which the Army agreed to complete the cleanup at Fort Ord, Records of Decision (RODs) were signed by the Parties and the U.S. EPA for OU1, OU2 and Sites 2/12. The OU1, OU2 and Sites 2/12 contaminant plumes are undergoing extraction and treatment pursuant to the RODs. Locations of extraction and injection wells for the treatment systems and the locations of monitoring wells located on the Property are shown in Exhibit "C". The Covenantor and the U.S. EPA will prepare a ROD documenting the decision on remedial action for OUCTP, which will also be reviewed by the Department and the Regional Water Board.

1.05 The Covenantor has prepared and maintains the "Former Fort Ord Special Groundwater Protection Zone Map" (also referred to herein as the "Map" and attached as Exhibit "A"). The Map identifies the "Prohibition Zone," which encompasses the area overlying or adjacent to the Plumes at the former Fort Ord. The Property is located within the Prohibition Zone.

1.06 Monterey County (also referred to herein as the "County") has enacted Ordinance No. 04011 (also referred to herein as the "Ordinance" and attached as Exhibit "B"). The Ordinance prohibits the construction of water wells and acceptance by the County of applications for well construction permits within the Prohibition Zone, as identified on the Map.

1.07 Chapter 13.12 of the City of Marina (also referred to herein as the "City") Municipal Code (also referred to herein as the "Code") regulates the construction of water wells so as to protect the quality of groundwater. Section 13.12.030 of the Code requires a written permit to construct a water well first be obtained from the County.

1.08 The Property, consisting of nine non-contiguous parcels and totaling approximately 199.565 acres, is more particularly depicted in Exhibit "C" and described in Exhibit "D". The Property is located on the former Fort Ord, California and within the jurisdiction of the City of Marina, California. The Property is summarized in the table below.

Parcel No.	Acres	Name on Legal Description in Exhibit D	Intended Reuse
E2a	100.103	EDC Parcels E2a, E4.1.2.1, E4.1.2.2, and E4.1.2.3	Development / Mixed Use
E4.1.2.1			Housing
E4.1.2.2			Housing
E4.1.2.3			Right-of-way / Booker Street
E4.3.1.2	1.223	EDC Parcel E4.3.1.2	Housing

CRUP/Special Groundwater Protection Zone - Prohibition Zone
 FOST - Track 0 Plug-in C, Track 1 and Track 1 Plug-in 1' parcels (FOST 9)
 Marina Group Parcels

Parcel N	Acres	Name on Legal Description in Exhibit D	Intended Reuse
E4.3.2.1	98.239	EDC Parcels L5.6.1, L5.6.2, E4.3.2.1. & E4.6.1	Housing
E4.6.1			Right-of-way / Imjin Road
L5.6.1			Development / Mixed Use
L5.6.2			Marina Park Offices

1.09 The estimated minimum depths to groundwater and maximum concentrations of TCE and CT in the groundwater beneath the Property, as of June 2005, are listed in the table below.

Parcel N	Estimated Minimum Depth to Groundwater (feet below ground surface)	Estimated Maximum Concentration of TCE (μ g/L)	Estimated Maximum Concentration of CT (μ g/L)
E2a	108.23	Not Detected (ND)	ND
E4.1.2.1	86.85	ND	ND
E4.1.2.2	86.85	ND	ND
E4.1.2.3	85.56	ND	ND
E4.3.1.2	128.71	20	ND
E4.3.2.1	79.94	20	ND
E4.6.1	98.14	28	0.83
L5.6.1	79.94	20	ND
L5.6.2	79.94	20	ND

ARTICLE II

DEFINITIONS

2.01 Department. "Department" means the California Department of Toxic Substances Control and includes its successor agencies, if any.

2.02 Regional Water Board. "Regional Water Board" means the California Regional Water Quality Control Board, Central Coast Region, and includes its successor agencies, if any.

2.03 U.S. EPA. "U.S. EPA" means the United States Environmental Protection Agency.

2.04 Water Agency. "Water Agency" means the Monterey County Water Resources Agency.

2.05 Health Department. "Health Department" means the Monterey County Environmental Health Department.

2.06 Covenantor. "Covenantor" means the United States of America acting through the Department

CRUP/Special Groundwater Protection Zone - Prohibition Zone
 FOST - Track 0 Plug-in C, Track 1 and Track 1 Plug-in Parcels (FOST 9)
 Marina Group Parcels

Department of the Army.

2.07 Owner. "Owner" means the Covenantor's successors in interest, and their successors in interest, including heirs and assigns, during their ownership of all or any portion of the Property.

2.08 Occupant. "Occupant" means Owners and any person or entity entitled by ownership, leasehold, or other legal relationship to the right to occupy any portion of the Property after the Covenantor has conveyed the Property.

ARTICLE III

GENERAL PROVISIONS

3.01 Restrictions to Run with The Land. This Covenant sets forth protective provisions, covenants, restrictions, and conditions (collectively referred to as "Restrictions"), subject to which the Property and every portion thereof shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, and/or conveyed. Each and every Restriction: (a) runs with the land pursuant to Health and Safety Code Sections 25222.1, and 25355.5(a)(1)(c), and Civil Code Section 1471; (b) inures to the benefit of the Department and the Regional Water Board and passes with each and every portion of Property; (c) is for the benefit of, and is enforceable by, the Department and the Regional Water Board; and (d) is imposed upon the entire Property unless expressly stated as applicable only to a specific portion thereof.

3.02 Binding upon Owners/Occupants. Pursuant to Health and Safety Code Sections 25222.1 and 25355.5(a)(1)(C) and Civil Code Section 1471, this Covenant binds all Owners and Occupants of the Property, and their heirs, successors, and assignees, and their agents, employees, and lessees. Pursuant to Civil Code Section 1471(b), all successive Owners and Occupants of the Property are expressly bound hereby for the benefit of the Department and the Regional Water Board.

3.03 Written Notice of Release of Hazardous Materials. Prior to the sale, lease, or sublease of the Property, or any portion thereof; or the execution of a license or easement on the Property, the owner, lessor, or sublessor shall give the buyer, lessee, or sublessee written notice that hazardous materials are located beneath the Property as required by Health and Safety Code Section 25359.7.

3.04 Accompaniment to Deeds and Leases. This Covenant shall accompany all deeds and leases for any portion of the Property.

3.05 Conveyance of Property. The immediate past Owner shall notify the Department, the Regional Water Board, the Water Agency, and the Health Department not later than thirty (30) days after executing any document conveying any ownership interest in the Property (excluding short-term rentals

short-term rentals and leases, mortgages, liens, and other non-possessory encumbrances). None of the above agencies shall have, by reason of this Covenant, authority to approve, disapprove, or otherwise affect any proposed conveyance, except as otherwise provided by law, by administrative order, or by a specific provision of this Covenant.

3.06 Costs of Administering this Covenant. The Department has incurred and will in the future incur costs associated with the administration of this Covenant. Pursuant to California Code of Regulations, title 22, section 67391.1(h), the Department's costs associated with the administration of this Covenant must be paid. In order to accomplish this, the Department intends to enter into an agreement with FORA and the City of Marina to pay the Department's costs associated with the administration of this Covenant.

ARTICLE IV

RESTRICTIONS

4.01 Prohibited Activities. The following activities are prohibited on the Property:

- (a) Construction of groundwater wells for injection or extraction and utilization, and
- (b) Any other activity on the Property that would interfere with or adversely affect the groundwater remediation systems on the Property or result in the creation of a groundwater recharge area (e.g., unlined surface impoundments or disposal trenches). Normal landscaping and irrigation activities within the Property including routine irrigation practices are not prohibited activities.

4.02 Notification of Discovery of Activities Affecting Groundwater Systems. The Owner or Occupant shall notify the Department, the Regional Water Board, the Water Agency, the Health Department, U.S. EPA, and the Covenantor of the discovery of any activities conducted by the Owner or Occupant interfering with or adversely affecting any groundwater extraction, treatment, or monitoring installation for the Property. The Owner or Occupant shall provide the notification in accordance with Section 7.04 within seven (7) working days after the discovery of the activity and shall include information regarding the type of activity, date of the activity, and location of the activity on the Property.

4.03 Access. The Department, the Regional Water Board, Covenantor, and their contractors and agents shall have reasonable right-of-entry and access to the Property for inspection, monitoring, testing, sampling, installation and monitoring of remedial systems, and other activities consistent with the purposes of this Covenant as deemed necessary by the Department and the Regional Water Board in order to protect the public health and safety or the environment and oversee any required activities.

ARTICLE V

IMPLEMENTATION AND ENFORCEMENT

5.01 Implementation. Implementation of this Covenant shall be achieved by:

- (a) Continued updating of the Map by the Covenantor in consultation with the Department, the Regional Water Board and the U.S. EPA.
- (b) Implementation and enforcement of the Ordinance by the County.
- (c) Implementation and enforcement of the Code by the City.
- (d) Covenantor's annual review of the Property with an annual letter report to the Department and the Regional Water Board summarizing, for the previous calendar year, the following:
 1. Any changes to the Map in the previous calendar year;
 2. Any significant changes to the Plumes as described by regular groundwater monitoring reports;
 3. The disposition of well permit applications submitted to the County for proposed well locations on the Property; and
 4. Any prohibited activities, as described in Section 4.01 of this Covenant, observed by or reported to the Covenantor during the course of the review.

5.02 Enforcement. Failure of the Owner or Occupant to comply with any of the Restrictions specifically applicable to it shall be grounds for the Department or the Regional Water Board, by reason of this Covenant, to require that the Owner or Occupant modify or remove any improvements ("Improvements" herein shall include, but are not limited to, all buildings, roads, driveways, and paved parking areas, water wells, and surface impoundments) constructed or placed upon any portion of the Property in violation of this Covenant. Violation of this Covenant shall be grounds for the Department or the Regional Water Board to file civil or criminal actions against the Owner or Occupant as provided by law.

ARTICLE VI

VARIANCE, TERMINATION AND TERM

6.01 Variance. The Covenantor, any Owner or, with the Owner's written consent, any Occupant of the Property, may apply to the Department for a written variance from the provisions of this Covenant. Such application shall be made in accordance with H&SC Section 25233. The Department shall receive the concurrence of the Regional Water Board, with an opportunity to comment by U.S. EPA and the Covenantor, before any such variance is effective.

6.02 Termination. The Covenantor, any Owner and/or, with the Owner's written consent, any Occupant of the Property, or any portion thereof, may apply to the Department for a termination of the

of the Restrictions or other terms of this Covenant as they apply to all or any portion of the Property. Such application shall be made in accordance with H&SC Section 25234. The Department shall receive the concurrence of the Regional Water Board, with an opportunity to comment by U.S. EPA and the Covenantor, before any such termination is effective.

6.03 Term. Unless ended in accordance with the termination paragraph above, by law, or by the Department and the Regional Water Board in the exercise of their discretion, this Covenant shall continue in perpetuity.

ARTICLE VII

MISCELLANEOUS

7.01 No Dedication Intended. Nothing set forth in this Covenant shall be construed to be a gift or dedication, or offer of a gift or dedication of the Property, or any portion thereof to the general public or anyone else for any purpose whatsoever.

7.02 State of California References. All references to the State of California, the Department, and the Regional Water Board include successor agencies/departments or other successor entity(ies) and delegated agencies.

7.03 Recordation. The Covenantor shall record this Covenant, with all referenced Exhibits, in the County of Monterey within ten (10) days of the Covenantor's receipt of a fully executed original and prior to transfer of the Property from the Department of the Army to another Owner.

7.04 Notices. Whenever any person gives or serves any Notice ("Notice" as used herein includes any demand or other communication with respect to this Covenant), each such Notice shall be in writing and shall be deemed effective: (1) when delivered, if personally delivered to the person being served or to an officer of a corporate party being served, or (2) three (3) business days after deposit in the mail, if mailed by United States mail, postage paid, certified, return receipt requested:

To Covenantor: Director, Fort Ord Office
Army Base Realignment and Closure
P.O. Box 5008
Presidio of Monterey, CA 93944-5008

To Department: Chief of Northern California Operations
Office of Military Facilities
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, CA 95826-3200

To Regional Water Board: Executive Officer
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

To U.S. EPA: Chief, Federal Facility and Site Cleanup Branch
Superfund Division
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street, Mail Code: SFD-8-3
San Francisco, CA 94105-3901

To Water Agency: General Manager
Monterey County Water Resources Agency
893 Blanco Circle
Salinas, CA 93901-4455

To Health Department: Chief, Environmental Health Division
Monterey County Health Department
1270 Natividad Road
Salinas, CA 93906-3122

Any party may change its address or the individual to whose attention a Notice is to be sent by giving written Notice in compliance with this paragraph.

7.05 Partial Invalidity. If any provision of this Covenant is determined by a court of competent jurisdiction to be invalid for any reason, the surviving portions of this Covenant shall remain in full force and effect as if such portion found invalid had not been included herein.

7.06 Exhibits. All exhibits referenced in this Covenant are deemed incorporated into this Covenant by reference.

7.07 Section Headings. The section headings set forth in this Covenant are included for convenience and reference only and shall be disregarded in the construction and interpretation of any of the provisions of this Covenant.

7.08 Statutory References. All statutory references include successor provisions.

7.09 Representative Authority. The undersigned representative of each party to this Covenant certifies that he or she is fully authorized to enter into the terms and conditions of this Covenant and to execute and legally bind that party to this Covenant.

{Signatures follow}

IN WITNESS WHEREOF, the DEPARTMENT OF TOXIC SUBSTANCES CONTROL,
STATE OF CALIFORNIA has caused these presents to be executed on this 23rd day of
February, 2006.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Anthony J. Landis
Anthony J. Landis
Chief of Northern California Operations, Office of Military Facilities

ACKNOWLEDGMENT

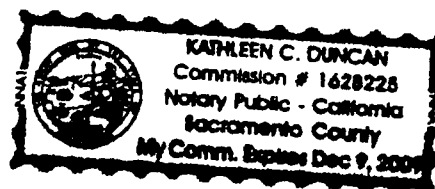
STATE OF CALIFORNIA)
)ss
COUNTY OF SACRAMENTO)

I, the undersigned, a Notary Public in and for the State of California, County of Sacramento, whose commission as such expires on the 23rd day of December, 2009, do hereby certify that on this day personally appeared before me in the said State of California, County of Sacramento, Anthony J. Landis, Chief of Northern California Operations, Office of Military Facilities, whose name is signed to the foregoing document dated the 23rd day of February, 2006, and acknowledges the same for and on behalf of the Department of Toxic Substances Control.

Given under my hand this 23rd day of February, 2006.

Kathleen C. Duncan
NOTARY PUBLIC

CRUP/Special Groundwater Protection Zone - Prohibition Zone
FOST - Track 0 Plug-in C, Track 1 and Track 1 Plug-in Parcels (FOST 9)
Marina Group Parcels

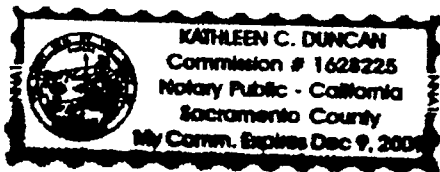


CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Sacramento } ss.

On February 23, 2006, before me, Kathleen Duncan,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared Anthony J. Landis,
Name(s) of Signer(s)



☒ personally known to me

☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Covenant to Restrict

Document Date: February 23, 2006 Number of Pages: _____

Signer(s) Other Than Named Above: 0

Capacity(ies) Claimed by Signer(s)

Signer's Name: Anthony J. Landis

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☒ Other: _____

Signer Is Representing: Dept. of Toxic Substances Control

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

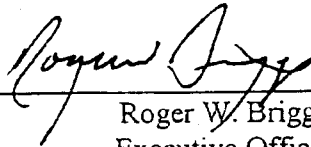
- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

IN WITNESS WHEREOF, the CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD, STATE OF CALIFORNIA has caused these presents to be executed on this 23 day of FEBRUARY, 2006.

CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD



Roger W. Briggs
Executive Officer

ACKNOWLEDGMENT

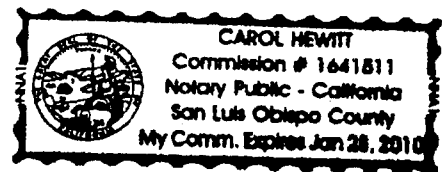
STATE OF CALIFORNIA)
)ss
COUNTY OF SAN LUIS OBISPO)

I, the undersigned, a Notary Public in and for the State of California, County of San Luis Obispo, whose commission as such expires on the 28 day of JANUARY, 2010, do hereby certify that on this day personally appeared before me in the said State of California, County of San Luis Obispo, Roger W. Briggs, Executive Officer, whose name is signed to the foregoing document dated the 22 day of FEBRUARY, 2006, and acknowledges the same for and on behalf of the Department of Toxic Substances Control.

Given under my hand this 23 day of FEBRUARY, 2006.



NOTARY PUBLIC



CRUP/Special Groundwater Protection Zone - Prohibition Zone
FOST - Track 0 Plug-in C, Track 1 and Track 1 Plug-in Parcels (FOST 9)
Marina Group Parcels

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

SAN LUIS OBISPO

SS.

On FEBRUARY 23, 2006 before me,

CAROL HEWITT, NOTARY PUBLIC

personally appeared

ROGER W. BRIGGS

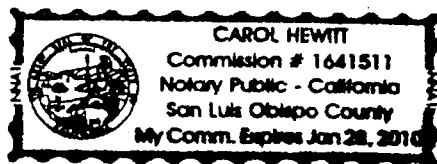
Name and Title of Officer (e.g., "Jane Doe, Notary Public")

Name(s) of Signer(s)

☒ personally known to me

☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Carol Hewitt
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____

Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
- ☐ Corporate Officer — Title(s): _____
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney-in-Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

EXHIBIT "A"

Former Fort Ord Special Groundwater Protection Zone Map

EXHIBIT A

CRUP/Special Groundwater Protection Zone - Prohibition Zone
FOST - Track 0 Plug-in C, Track 1 and Track 1 Plug-in Parcels (FOST 9)
Marina Group Parcels

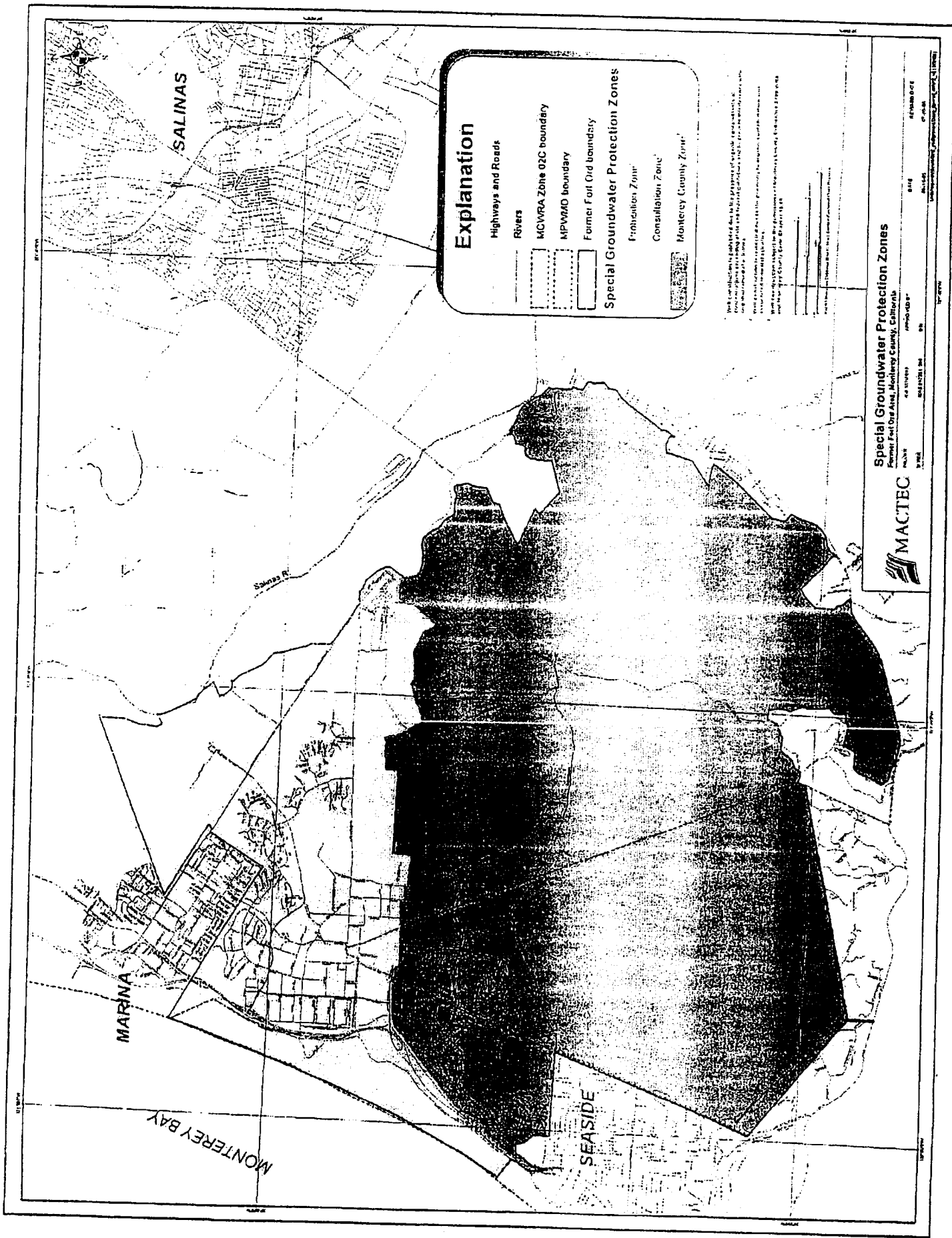


EXHIBIT "B"

Monterey County Ordinance 04011, which prohibits pumping and use of the groundwater and defines the "Special Groundwater Protection Zone".

EXHIBIT B

CRUP/Special Groundwater Protection Zone - Prohibition Zone
FOST - Track 0 Plug-in C, Track 1 and Track 1 Plug-in Parcels (FOST 9)
Marina Group Parcels

ORDINANCE NO. 04011

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, PROHIBITING AND/OR REGULATING THE DRILLING OF NEW WATER WELLS IN IDENTIFIED AREAS OF THE COUNTY LOCATED ON THE FORMER FORT ORD MILITARY BASE; AND ADDING AN INDEMNIFICATION AND HOLD HARMLESS PROVISION APPLICABLE WITHIN SPECIAL GROUNDWATER PROTECTION ZONE AREAS FOR AREAS WHERE GROUNDWATER PROBLEMS ARE KNOWN TO EXIST TO CHAPTER 15.08, TITLE 15, OF MONTEREY COUNTY CODE.

COUNTY COUNSEL SUMMARY

This Ordinance takes effect 30 days after adoption to prohibit and/or regulate the approval of any ministerial development entitlements in a defined area of the County of Monterey within the boundaries of the former Fort Ord due to groundwater contamination constraints. This Ordinance amends the depth of "well" or "water well". The Ordinance prohibits the construction of water wells and precludes acceptance of applications for well construction permits within a zone of prohibition and further requires special evaluation by appropriate authorities for wells within a consultation zone around the contaminant plumes. The Ordinance also contains an indemnification and hold harmless provision for special groundwater protection zone areas where groundwater quality problems are known to exist.

THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION 1. Subsection A.15 of of Section 15.08.020 of Chapter 15.08 of Title 15, of the Monterey County Code, shall be amended to read as follows:

"Well" or "water well" means any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into, the underground. "Well" includes abandoned wells, monitoring wells, observation wells, cathodic protection wells, test wells, and dry wells. In the Former Fort Ord Special Groundwater Protection Zone, "Well" shall include geotechnical borings greater than 50 feet in depth. "Well" or "water well" does not include:

- a. Oil and gas wells, or geothermal wells constructed under the jurisdiction of the Department of Conservation, except those wells converted to use as water wells; or
- b. Wells used for the purpose of dewatering excavation during construction, or stabilizing hillsides or earth embankments.

SECTION 2. Subsection C of Section 15.08.140 of Chapter 15.08 of Title 15, of the Monterey County Code shall be added to read as follows:

C. In areas overlying or adjacent to the contaminant plumes on the former Fort Ord (Prohibition Zone), water well construction shall be prohibited and no application for a ministerial well permit shall be accepted for any real properties within the Prohibition Zone area. The Prohibition Zone area is identified on the former Fort Ord, Special Ground Water Protection Zone Map, prepared and maintained by the United States Army and on file in the County of Monterey, Department of Health. This map will be updated as determined by the Fort Ord Base Realignment and Base Closure Team (BCT). The BCT consists of representatives of the U.S. Army, U.S. Environmental Protection Agency, California Department of Toxic Substances Control, and the California Regional Water Control Board, Central Coast Region. Whether or not the location of a proposed well is within the territory subject to this prohibition shall be determined by the Health Officer in consultation with the BCT in accordance with the map on file in the Department of Health.

This prohibition shall not apply to monitoring wells constructed for groundwater quality monitoring and to wells constructed for the purpose of remediation of the contaminant plumes.

SECTION 3. Subsection D of Section 15.08.140 of Chapter 15.08 of Title 15, of the Monterey County Code shall be added to read as follows:

D. In areas where groundwater extraction may impact or be impacted by the contaminated plumes on the former Fort Ord (Consultation Zone), well construction shall be subject to special review, evaluation, conditions of construction, and possibly prohibition against drilling. The Consultation Zone area is identified on the former Fort Ord, Special Ground Water Protection Map. Whether or not the location of a proposed well is within the consultation zone area shall be determined by the Health Officer in consultation with the BCT in accordance with the map on file in the Department of Health.

The applicant will be responsible to provide all such information necessary to determine potential impacts, including but not limited to design specifications, anticipated uses, perforation levels, pumping and production schedules, and a plume impact modeling report.

Applications will be deemed complete or incomplete within 30 days from the date of receipt. Any permits issued shall be subject to conditions of approval regarding construction and use. If permit approval is appropriate, as determined by the Health Officer, such permit will be issued within 30 days of submittal of a complete application, or as soon thereafter as reasonably practicable.

This Consultation Zone restriction shall not apply to monitoring wells constructed for groundwater quality or quantity monitoring, or to wells constructed for the purpose of remediation of the contaminant plumes.

SECTION 4. Subsection E of Section 15.08.140, of Chapter 15.08 of Title 15, of the Monterey County Code, shall be added to read as follows:

E. Each permit issued pursuant to this Section shall have as a condition of the permit approval, a requirement that the applicant indemnify and hold harmless the County and its officers, agents, and employees from actions or claims of any description brought on account of any injury or damages sustained by any person or property resulting from the issuance of the permit and the conduct of the activities authorized under said permit.

SECTION 5. EFFECTIVE DATE.

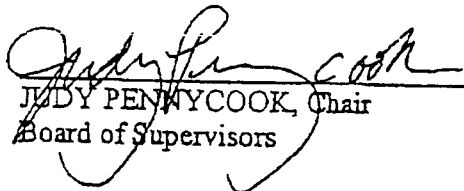
This Ordinance will be in effect 30 days after adoption by the Board of Supervisors.

PASSED AND ADOPTED this 27th day of April, 1999, by the following vote:

AYES: Supervisors Salinas, Pennycook, and Calcagno.

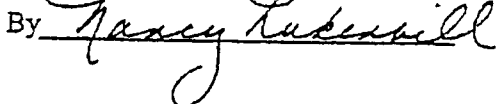
NOES: None.

ABSENT: Supervisors Johnsen and Potter.


JUDY PENNYCOOK, Chair
Board of Supervisors

ATTEST:

Sally R. Reed
Clerk of the Board

By 

APPROVED AS TO FORM:

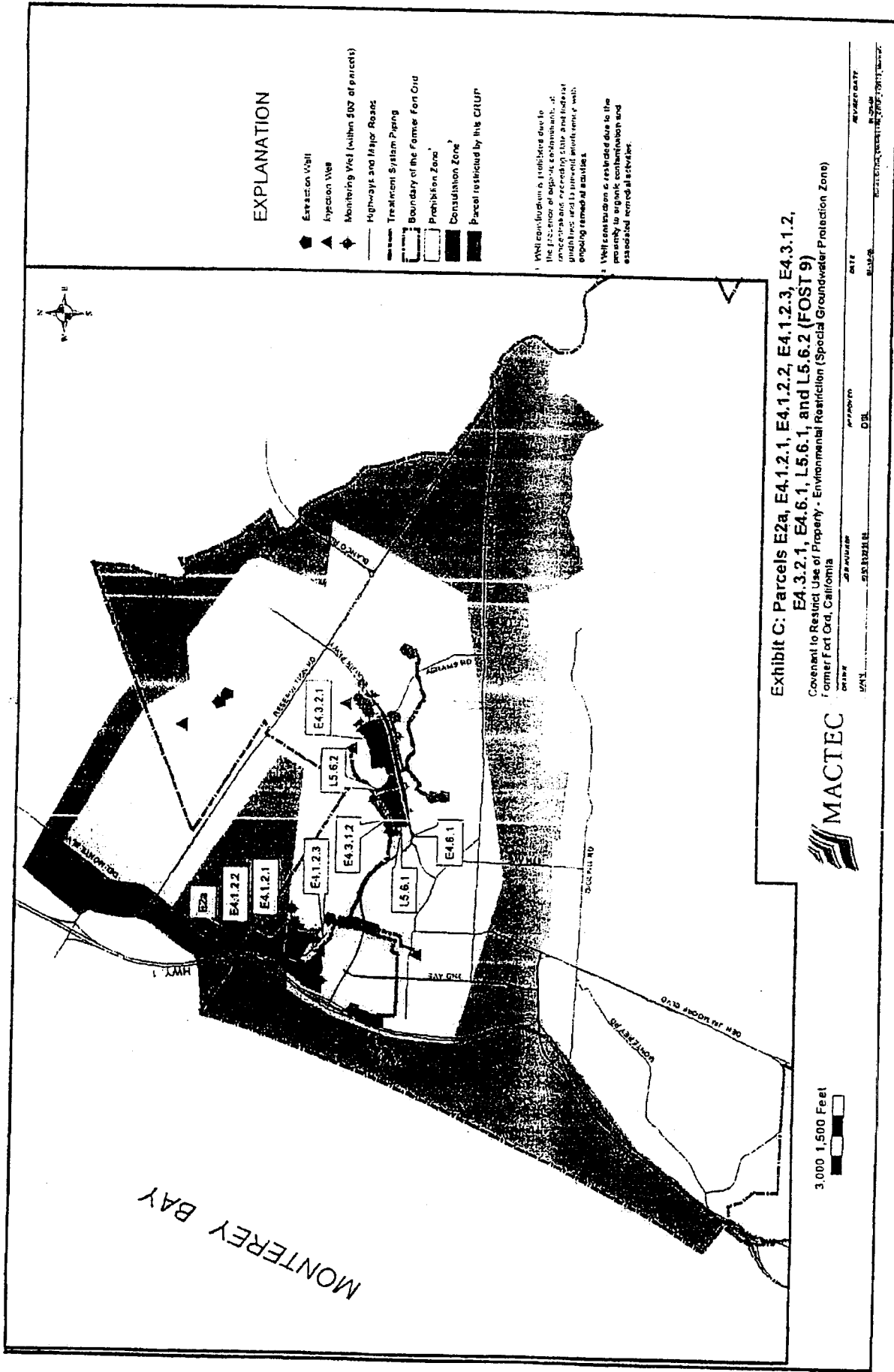
By _____
County Counsel

EXHIBIT "C"

Plate showing the locations of parcels to be restricted by this covenant, the locations of monitoring wells within the parcels, and extraction and injection wells within the Prohibition Zone and the Consultation Zone of the Special Groundwater Protection Zone.

EXHIBIT C

CRUP/Special Groundwater Protection Zone - Prohibition Zone
FOST - Track 0 Plug-in C, Track 1 and Track 1 Plug-in Parcels (FOST 9)
Marina Group Parcels



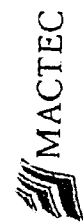
EXPLANATION

- Extraction Well
- Injection Well
- Monitoring Well (within 500' of parcels)
- Highways and Major Roads
- Treatment System Piping
- Boundary of the Former Fort Ord
- Prohibition Zone
- Consolidation Zone
- Parcel restricted by this CRUP

Well casing is prohibited due to the presence of existing subsurface at concentrations exceeding state and federal guidelines and is prohibited with ongoing remedial activities.

Well casing is restricted due to the proximity to original contamination and associated remedial activities.

Exhibit C: Parcels E2a, E4.1.2.1, E4.1.2.2, E4.1.2.3, E4.3.1.2, E4.3.2.1, E4.6.1, L5.6.1, and L5.6.2 (FOST 9)
Covenant to Restrict Use of Property - Environmental Restriction (Special Groundwater Protection Zone)
former Fort Ord, California



3,000 1,500 Feet

DATE	BY	FOR	DATE	BY	FOR
1/1/00	MACTEC	MACTEC	1/1/00	MACTEC	MACTEC
1/1/00	MACTEC	MACTEC	1/1/00	MACTEC	MACTEC
1/1/00	MACTEC	MACTEC	1/1/00	MACTEC	MACTEC

EXHIBIT "D"

Legal descriptions and records of survey of the parcels restricted by this covenant.

Notes to Exhibit D:

1. The Covenantor intends to transfer the parcels to the Fort Ord Reuse Authority (FORA).
2. FORA intends to transfer the parcels to the City of Marina.
3. Parcels E2a, E4.1.2.1, E4.1.2.2 and E4.1.2.3 are contiguous and are described as a single parcel.
4. Parcels E4.3.2.1, E4.6.1, L5.6.1 and L5.6.2 are contiguous and are described as a single parcel.

EXHIBIT D

EDC Parcels E2a, E4.1.2.1, E4.1.2.2, and E4.1.2.3
FOST 9
Fort Ord Military Reservation
City of Marina
Monterey County, California

Legal Description of Parcels E2a, E4.1.2.1, E4.1.2.2, and E4.1.2.3

SITUATE in a portion of "Marina II" as it is shown on that certain map recorded in Volume 23 of Surveys at Page 92 being also a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, the City of Marina, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at the most westerly corner of Parcel B as it is shown on that certain map recorded in Volume 20 of Surveys at Page 74 being also a corner common to Parcel 1 as it is shown on said "Marina II"; thence from said Point of Beginning along the southerly boundary line of said Parcel 2

1. South $40^{\circ} 02' 17''$ East (shown as South $40^{\circ} 01' 44''$ East on said map) for a distance of 450.86 feet (shown as 451.02 feet on said map) to a point on said southerly boundary line; thence continuing along said southerly boundary line
2. South $52^{\circ} 26' 36''$ East for a distance of 32.25 feet to a point on said line; thence leaving said southerly boundary line
3. South $31^{\circ} 26' 33''$ West for a distance of 306.50 feet to a point; thence
4. North $88^{\circ} 09' 17''$ West for a distance of 660.35 feet to a point; thence
5. North $01^{\circ} 48' 37''$ East for a distance of 65.02 feet to a point; thence
6. North $88^{\circ} 00' 57''$ West for a distance of 281.30 feet to a point; thence
7. South $69^{\circ} 14' 29''$ West for a distance of 140.14 feet to a point; thence
8. South $89^{\circ} 08' 22''$ West for a distance of 338.71 feet to a point on the easterly line of California State Highway No. 1 and the westerly boundary of Parcel 1 as it is shown on Volume 23 of Surveys at Page 92; thence northerly along said westerly boundary line
9. North $21^{\circ} 58' 44''$ East for a distance of 596.91 feet to an angle point in said westerly boundary line; thence
10. North $34^{\circ} 11' 41''$ East for a distance of 305.32 feet to an angle point in said westerly boundary line; thence

EDC Parcels E2a, E4.1.2.1, E4.1.2.2, and E4.1.2.3
FOST 9
Fort Ord Military Reservation
City of Marina
Monterey County, California

11. North 36° 35' 43" East for a distance of 864.93 feet to an angle point in said westerly boundary line; thence
12. North 48° 38' 48" East for a distance of 496.97 feet to an angle point in said westerly boundary line; thence
13. North 21° 58' 06" East for a distance of 655.16 feet to an angle point in said westerly boundary line; thence
14. North 06° 57' 03" East for a distance of 519.61 feet to an angle point in said westerly boundary line; thence
15. North 07° 16' 47" East (shown as North 06° 57' 01" East on said map) for a distance of 101.89 feet (shown as 101.28 feet on said map) to a point in the northerly boundary line of the former Fort Ord Military Reservation as it is shown on Volume 19 of Surveys at Page 1; thence along said northerly boundary line
16. South 57° 42' 54" East for a distance of 975.14 feet to a point on said line; thence
17. South 32° 17' 06" West, at 122.00 feet the northwesterly corner of Parcel 6 as it is shown on that certain map recorded in Volume 19 of Surveys at Page 22, for a total distance of 471.84 feet to the southwesterly corner of said Parcel 6; thence continuing along the southerly boundary line of said Parcel 6
18. South for a distance of 230.00 feet to an angle point in said southerly boundary line; thence
19. South 47° 00' 00" East for a distance of 968.00 feet to an angle point in said southerly boundary line; thence
20. North 69° 00' 05" East for a distance of 52.22 feet to the beginning of a non-tangential curve; thence
21. Along a curve to the left, the center of which bears South 79°49'44" East a distance of 187.50 feet, through an angle of 33° 58' 56", having a radius of 187.50 feet, for an arc distance of 111.21 feet, and whose long chord bears South 06° 49' 12" East for a distance of 109.58 feet to a point of intersection with a non-tangential line; thence
22. North 67° 58' 19" East for a distance of 60.04 feet to an angle point in said southerly boundary line; thence leaving said southerly boundary line
23. South 04° 02' 30" East for a distance of 298.26 feet to a point; thence

EDC Parcels E2a, E4.1.2.1, E4.1.2.2, and E4.1.2.3
FOST 9
Fort Ord Military Reservation
City of Marina
Monterey County, California

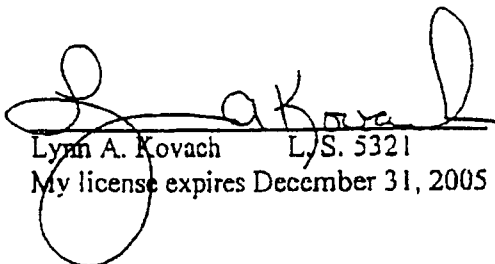
24. South 84° 42' 50" West for a distance of 268.64 feet to a point; thence
25. South 13° 32' 46" West for a distance of 198.52 feet to a point; thence
26. North 81° 21' 37" West for a distance of 143.12 feet to a point; thence
27. South 20° 13' 17" West for a distance of 205.41 feet to a point; thence
28. South 50° 17' 36" East for a distance of 111.14 feet to a point; thence
29. South 11° 23' 51" West for a distance of 192.29 feet to a point; thence
30. South 38° 39' 35" East for a distance of 136.07 feet to a point; thence
31. South 38° 53' 22" West for a distance of 152.59 feet to the northeasterly corner of Parcel A as it is shown on that certain map recorded in Volume 20 of Surveys at Page 74; thence along the boundary line of said Parcel A
32. North 52° 26' 36" West for a distance of 1045.96 feet (shown as 1046.30 feet on said map) to an angle point in said boundary line; thence
33. South 39° 03' 52" West for a distance of 67.89 feet to an angle point in said boundary line; thence
34. North 40° 48' 37" West for a distance of 141.20 feet to an angle point in said boundary line; thence
35. North 86° 57' 25" West for a distance of 88.08 feet to the beginning of a non-tangential curve; thence
36. Along a curve to the left, the center of which bears North 39° 19' 53" East for a distance of 270.00 feet, through an angle of 08° 40' 30", having a radius of 270.00 feet, for an arc distance of 40.80 feet, and whose long chord bears South 25° 00' 24" East for a distance of 40.85 feet to the beginning of a tangent curve; thence
37. Along a curve to the left through an angle of 21° 08' 28", having a radius of 630.00 feet, for an arc distance of 232.46 feet, and whose long chord bears South 39° 54' 55" East for a distance of 231.14 feet to a point of intersection with a tangent line; thence

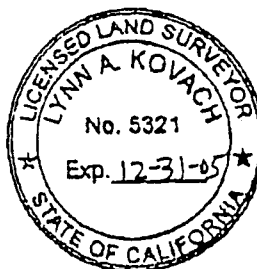
EDC Parcels E2a, E4.1.2.1, E4.1.2.2, and E4.1.2.3
FOST 9
Fort Ord Military Reservation
City of Marina
Monterey County, California

38. South $50^{\circ} 29' 10''$ East for a distance of 997.32 feet (shown as 997.66 feet on said map) to the southeast corner of said Parcel A; thence
39. South $37^{\circ} 33' 24''$ West for a distance of 60.04 feet to the northeast corner of said Parcel B; thence along the boundary of said Parcel B
40. North $50^{\circ} 29' 09''$ West for a distance of 999.37 feet (shown as 997.71 feet on said map) to the beginning of a curve; thence
41. Along a curve to the right through $21^{\circ} 08' 28''$, having a radius of 690.00 feet, for an arc distance of 254.60 feet, and whose long chord bears North $39^{\circ} 54' 55''$ West for a distance of 253.16 feet to the beginning of a tangent curve; thence
42. Along a curve to the right through an angle of $22^{\circ} 21' 30''$ (shown as $22^{\circ} 21' 20''$ on said map), having a radius of 330.00 feet, for an arc distance of 128.78 feet (shown as 128.76 feet on said map), and whose long chord bears North $18^{\circ} 09' 56''$ West for a distance of 127.96 feet to a point of intersection with a non-tangential line; thence
43. North $84^{\circ} 27' 31''$ West for a distance of 91.16 feet to an angle point in said boundary line; thence
44. South $13^{\circ} 39' 09''$ West for a distance of 164.77 feet to an angle point in said boundary line; thence
45. South $49^{\circ} 58' 16''$ West a distance of 30.93 feet to the POINT OF BEGINNING.

Containing an area of 100.103 acres, more or less.

This legal description was prepared by


Lynn A. Kovach L.S. 5321
My license expires December 31, 2005



EXHIBIT

OF

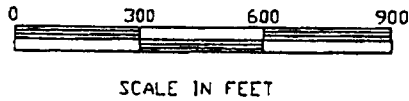
Marina EDC Parcel E.2.d.3.1

A PORTION OF "MARINA II"

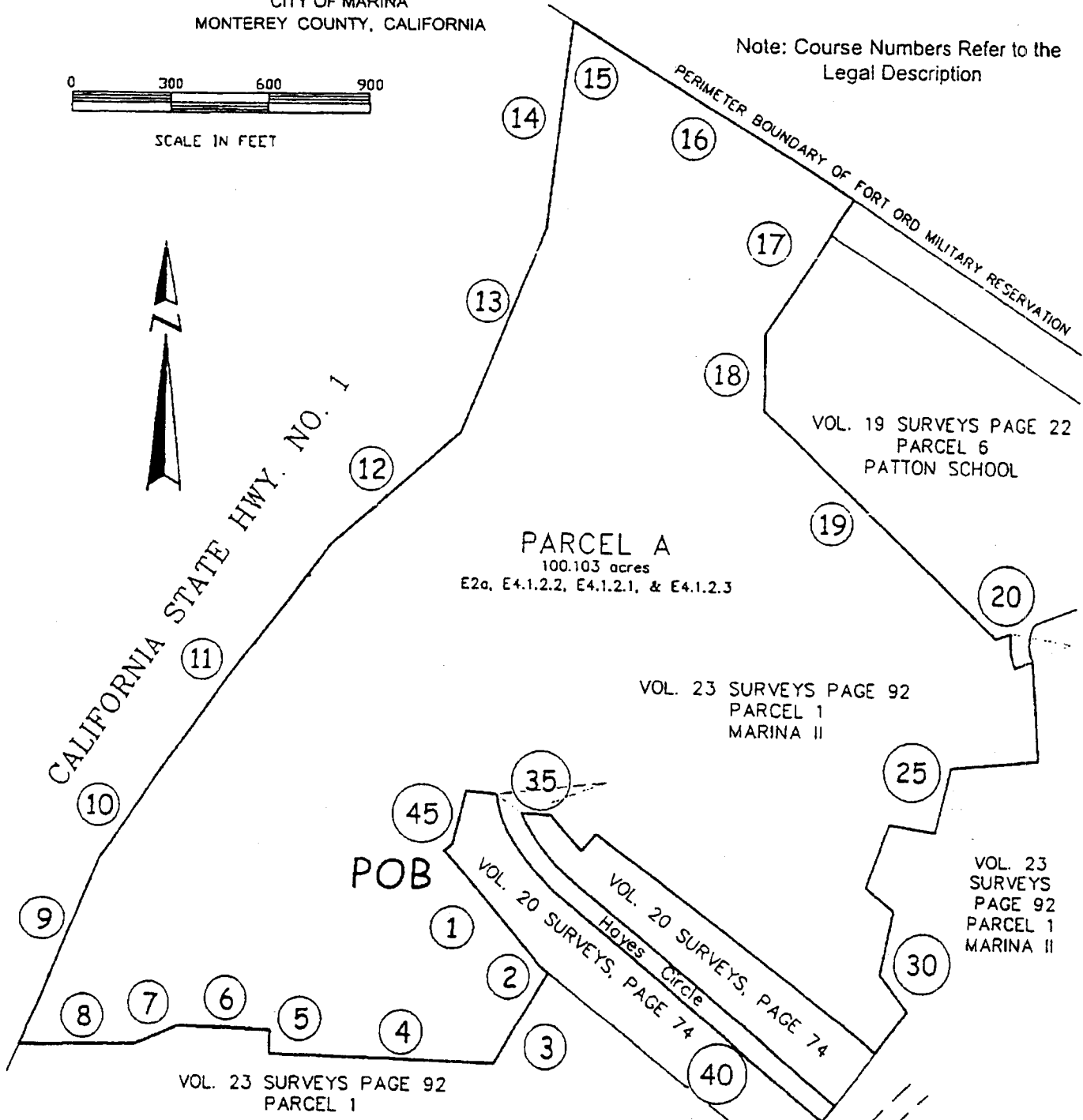
AS SHOWN ON VOL. 23 OF SURVEYS AT PAGE 92,

BEING ALSO WITHIN FORT ORD MILITARY RESERVATION
AS SHOWN ON VOL. 19 OF SURVEYS AT PAGE 1,

BEING ALSO WITHIN MONTEREY CITY LANDS TRACT NO. 1
CITY OF MARINA
MONTEREY COUNTY, CALIFORNIA



Note: Course Numbers Refer to the
Legal Description



SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS ACT, AT THE REQUEST OF FORN, IN JULY, 2003.

DATE: _____
 LINDA A. BOYCH
 COUNTY SURVEYOR
 DECEMBER 31, 2003

COUNTY SURVEYOR'S STATEMENT

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8146 OF THE PROFESSIONAL LAND SURVEYORS ACT THIS DAY OF _____, 2003.

FOR LINDA A. BOYCH
 COUNTY SURVEYOR
 COUNTY OF MONTEREY

COUNTY RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2003
 AT _____, IN _____, AT THE REQUEST OF
 LINDA A. BOYCH

COUNTY RECORDER
 SERIAL NO. _____
 FILE NO. _____

RECORD OF SURVEY

A PORTION OF "MARINA II"
 AS SHOWN ON VOL. 23 OF SURVEYS AT PAGE 92.

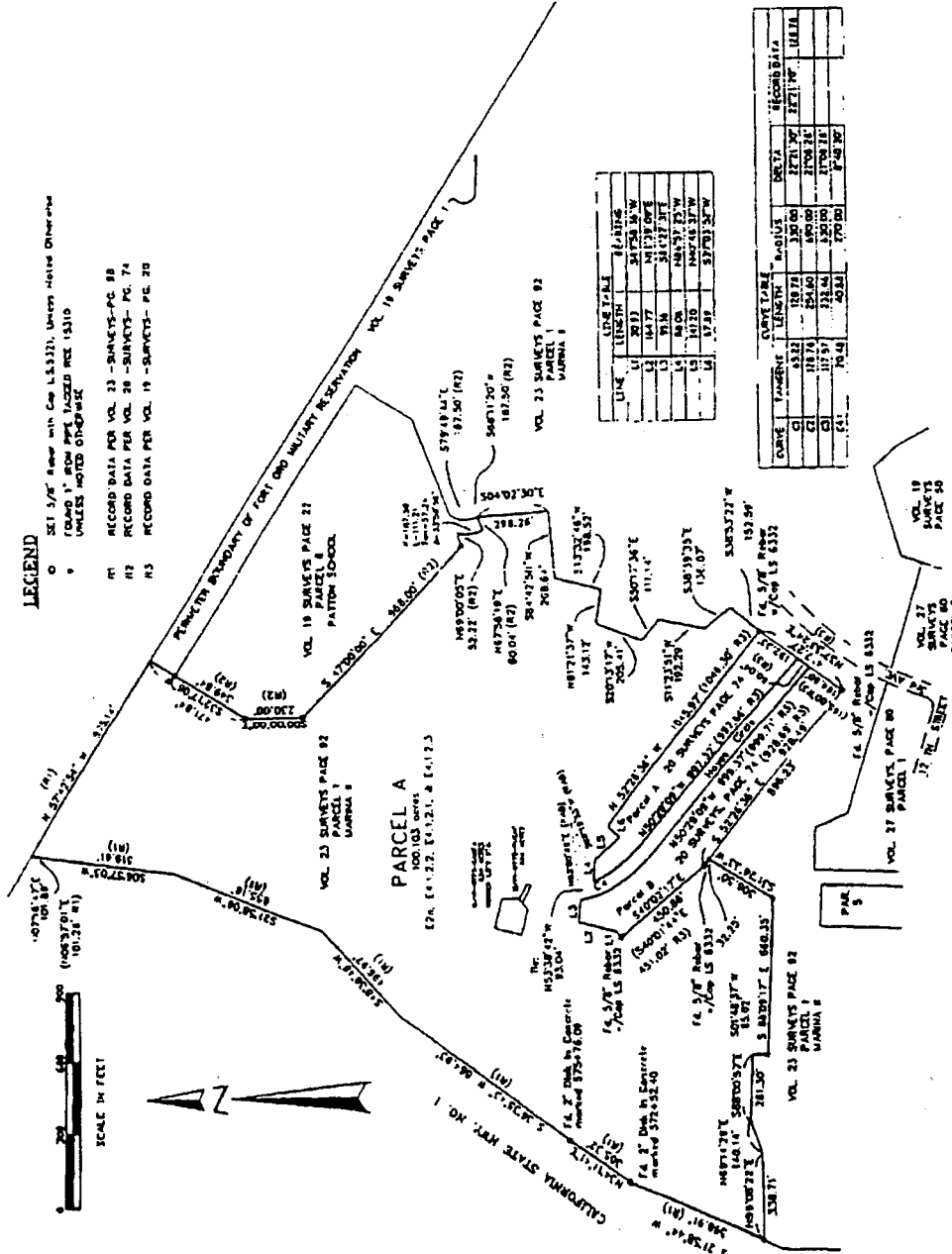
BEING ALSO WITHIN FORT ORD MILITARY RESERVATION
 AS SHOWN ON VOL. 19 OF SURVEYS AT PAGE 1.
 BEING ALSO WITHIN MONTEREY CITY LANDS TRACT NO. 1
 CITY OF MARINA

PREPARED FOR: FORT ORD REUSE AUTHORITY
 SURVEYED BY: POLARIS CONSULTING
 P.O. BOX 1378
 CARMEL VALLEY, CA 93924
 831-459-9564

SCALE: 1" = 200' VIEW: 203 DATE: JULY 13, 2003
 FILE NAME: FORN.MAR.0301.DWG SHEET ONE OF ONE

LEGEND

- 0 3/4" = 1' Scale with 1/4" = 1/8" Scale
- 1 RECORD DATA FOR VOL. 23 - SURVEYS - PG. 88
- 2 RECORD DATA FOR VOL. 28 - SURVEYS - PG. 74
- 3 RECORD DATA FOR VOL. 19 - SURVEYS - PG. 20



LINE	LENGTH	AREA	PERIMETER
1	10.11	10.11	10.11
2	10.11	10.11	10.11
3	10.11	10.11	10.11
4	10.11	10.11	10.11
5	10.11	10.11	10.11
6	10.11	10.11	10.11
7	10.11	10.11	10.11
8	10.11	10.11	10.11
9	10.11	10.11	10.11
10	10.11	10.11	10.11

CURVE	LENGTH	AREA	PERIMETER
1	10.11	10.11	10.11
2	10.11	10.11	10.11
3	10.11	10.11	10.11
4	10.11	10.11	10.11
5	10.11	10.11	10.11
6	10.11	10.11	10.11
7	10.11	10.11	10.11
8	10.11	10.11	10.11
9	10.11	10.11	10.11
10	10.11	10.11	10.11

BASIS OF BEARINGS

THE BEARING OF 41°33'00" IS ALONG A PORTION OF THE NORTHERLY BOUNDARY LINE OF PARCEL 3 AS SHOWN ON THE MAP RECORDED IN VOLUME 19 OF SURVEYS AT PAGE 1. AS FOUND MONUMENTED, WAS TAKEN AS BASIS OF BEARINGS SHOWN UPON THIS MAP.

NOTE

DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF.

EDC Parcel E4.3.1.2
POST 8 & 9
Fort Ord Military Reservation
City of Marina
Monterey County, California

Legal Description of Parcel E4.3.1.2

SITUATE in a portion of "Marina I" as it is shown on that certain map recorded in Volume 23 of Surveys at Page 91 being also a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, the City of Marina, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at a point from which the most northwesterly corner of "Abrams I" as it is shown on that certain map recorded in Volume 25 of Surveys at Page 26 bears North 68° 46' 11" East a distance of 428.77 feet; thence from said Point of Beginning

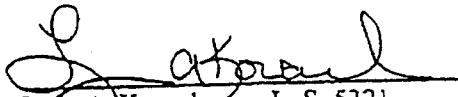
1. Along a curve to the left through an angle of 03° 21' 08", having a radius of 2470.00 feet, for a length of 144.51 feet and whose long chord bears South 54° 05' 20" West for a distance of 144.49 feet to a point of intersection with a non-tangential line; thence
2. South 52° 24' 46" West for a distance of 318.71 feet to the beginning of a tangent curve; thence
3. Along a curve to the right through an angle of 15° 14' 33", having a radius of 1340.00 feet, for a length of 356.48 feet and whose long chord bears South 60° 02' 03" West for a distance of 355.44 feet to a point of intersection with a tangent line; thence
4. North 22° 20' 08" West for a distance of 69.57 feet to a point on a line; thence
5. North 71° 25' 01" East for a distance of 61.19 feet to a point on a line; thence
6. North 59° 41' 48" East for a distance of 219.49 feet to a point on a line; thence
7. North 53° 27' 15" East for a distance of 300.60 feet to a point on a line; thence
8. North 47° 07' 16" East for a distance of 119.41 feet to a point on a line; thence
9. North 62° 57' 25" East for a distance of 107.22 feet to a point on a line; thence

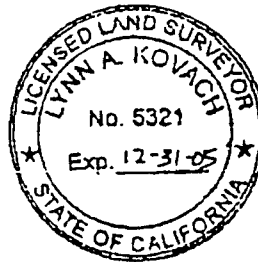
EDC Parcel E4.3.1.2
FOST 8 & 9
Fort Ord Military Reservation
City of Marina
Monterey County, California

10. South $34^{\circ} 14' 57''$ East for a distance of 56.75 feet to the beginning of a non-tangential curve at the POINT OF BEGINNING.

Containing an area of 1.223 acres, more or less.

This legal description was prepared by


Lynn A. Kovach L. S. 5321
My license expires December 31, 2005



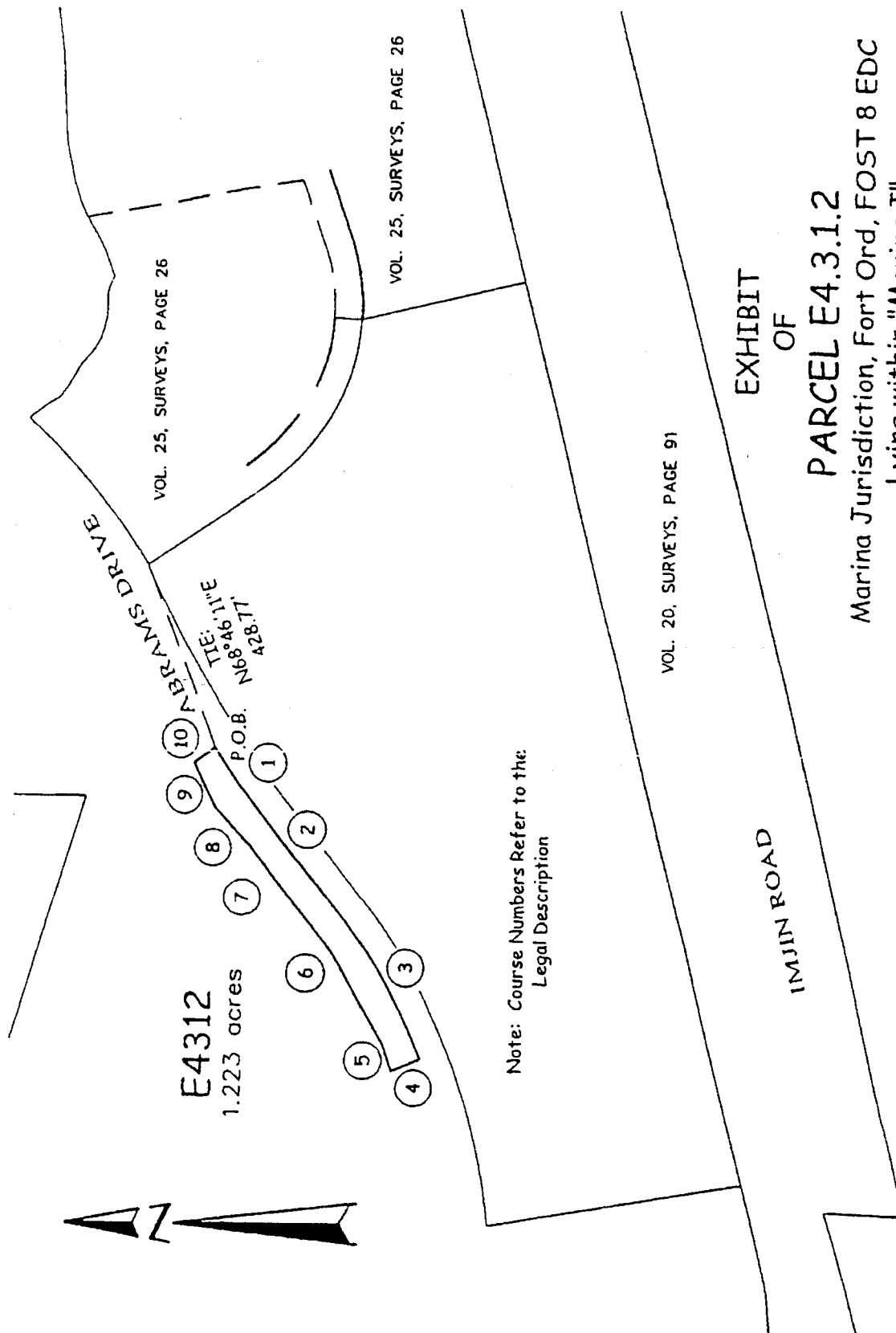


EXHIBIT OF

PARCEL E4.3.1.2

Marina Jurisdiction, Fort Ord, FOST 8 EDC

Lying within "Marina I"

as shown on Vol. 23 of Surveys at Page 91

Being also withing Fort Ord Military Reservation and

Monterey City Lands Tract No. 1

Monterey County, California

EDC Parcels L5.6.1, L5.6.2, E4.3.2.1, & E4.6.1
FOST 9
Fort Ord Military Reservation
City of Marina
Monterey County, California

Legal Description of Parcels L5.6.1, L5.6.2, E4.3.2.1, & E4.6.1

SITUATE in a portion of "Marina I" as it is shown on that certain map recorded in Volume 23 of Surveys at Page 91 and a portion of Parcel 1 as it is shown on that certain map recorded in Volume 20 of Surveys at Page 91, being also a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1. Official Records of Monterey County, being within Monterey City Lands Tract No. 1, the City of Marina, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at a point on the northerly boundary line of said Parcel 1 as it is shown on that certain map recorded in Volume 20 of Surveys at Page 91 being also a point on the northerly side of Imjin Road; thence from said Point of Beginning

1. North $76^{\circ} 00' 00''$ East for a distance of 204.18 feet to a point; thence leaving said northerly line of Parcel 1 as it is shown on that certain map recorded in Volume 20 of Surveys at Page 91 and following along the southerly boundary of Abrams Park EDC
2. North $10^{\circ} 05' 01''$ West for a distance of 558.11 feet to the beginning of a non-tangential curve; thence continuing along said southerly boundary of Abrams Park EDC
3. Along a curve to the left through an angle of $31^{\circ} 57' 06''$, having a radius of 1400.00 feet, for an arc distance of 780.73 feet, and whose long chord bears North $68^{\circ} 24' 08''$ East for a distance of 770.65 feet to a point of intersection with a tangent line; thence continuing along said southerly boundary of Abrams Park EDC
4. North $52^{\circ} 25' 35''$ East for a distance of 318.71 feet to the beginning of a curve; thence continuing along said southerly boundary of Abrams Park EDC
5. Along a curve to the right through an angle of $13^{\circ} 20' 05''$, having a radius of 2410.00 feet, for an arc distance of 560.89 feet, and whose long chord bears North $59^{\circ} 05' 37''$ East for a distance of 559.63 feet to a point of intersection with a non-tangential line being also the most westerly corner of "Abrams I" as it is shown on that certain map recorded in Volume 25 of Surveys at Page 26; thence continuing along said southerly boundary of Abrams Park EDC and the westerly boundary of said "Abrams I"
6. South $33^{\circ} 40' 31''$ East for a distance of 303.50 feet to the beginning of a curve; thence continuing along said southerly boundary of Abrams Park EDC and the westerly boundary of said "Abrams I"

EDC Parcels L5.6.1, L5.6.2, E4.3.2.1, & E4.6.1
FOST 9
Fort Ord Military Reservation
City of Marina
Monterey County, California

7. Along a curve to the left through an angle of $52^{\circ} 49' 39''$, having a radius of 482.00 feet, for an arc distance of 444.41 feet, and whose long chord bears South $60^{\circ} 05' 21''$ East for a distance of 428.84 feet to a point of intersection with a radial line of said curve; thence continuing along said southerly boundary of Abrams Park EDC and leaving the westerly boundary of said "Abrams I"
8. North $03^{\circ} 29' 50''$ East for a distance of 60.00 feet to the beginning of a non-tangential curve; thence continuing along said southerly boundary of Abrams Park EDC
9. Along a curve to the left, the center of which bears North $03^{\circ} 29' 50''$ East for a distance of 422.00 feet, through an angle of $22^{\circ} 35' 50''$, having a radius of 422.00 feet, for an arc distance of 166.44 feet, and whose long chord bears North $82^{\circ} 11' 55''$ East for a distance of 165.36 feet to a point of intersection with a tangent line; thence continuing along said southerly boundary of Abrams Park EDC
10. North $70^{\circ} 54' 00''$ East for a distance of 144.40 feet to a point; thence continuing along said southerly boundary of Abrams Park EDC
11. North $09^{\circ} 15' 49''$ West for a distance of 489.04 feet to a point on the common boundary line of said "Abrams Park EDC" and said "Abrams I"; thence continuing along said common boundary line of said "Abrams Park EDC" and said "Abrams I"
12. North $64^{\circ} 49' 52''$ East for a distance of 32.39 feet to a point; thence continuing along said common boundary line of said "Abrams Park EDC" and said "Abrams I"
13. North $70^{\circ} 22' 42''$ East for a distance of 30.00 feet to a point; thence continuing along said common boundary line of said "Abrams Park EDC" and said "Abrams I"
14. North $75^{\circ} 04' 03''$ East for a distance of 30.00 feet to a point; thence continuing along said common boundary line of said "Abrams Park EDC" and said "Abrams I"
15. North $77^{\circ} 55' 58''$ East for a distance of 60.00 feet to a point; thence continuing along said common boundary line of said "Abrams Park EDC" and said "Abrams I"
16. North $82^{\circ} 26' 41''$ East for a distance of 30.00 feet to a point; thence continuing along said common boundary line of said "Abrams Park EDC" and said "Abrams I"
17. North $86^{\circ} 47' 47''$ East for a distance of 30.00 feet to a point; thence continuing along said common boundary line of said "Abrams Park EDC" and said "Abrams I"

EDC Parcels L5.6.1, L5.6.2, E4.3.2.1, & E4.6.1
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Monterey County, California

18. North 87° 53' 22" East for a distance of 120.00 feet to a point; thence continuing along said common boundary line of said "Abrams Park EDC" and said "Abrams I"
19. North 86° 12' 25" East for a distance of 30.00 feet to a point; thence continuing along said common boundary line of said "Abrams Park EDC" and said "Abrams I"
20. North 82° 27' 02" East for a distance of 90.00 feet to a point; thence continuing along said common boundary line of said "Abrams Park EDC" and said "Abrams I"
21. North 86° 37' 24" East for a distance of 30.00 feet to a point; thence continuing along said common boundary line of said "Abrams Park EDC" and said "Abrams I"
22. South 88° 30' 54" East for a distance of 30.00 feet to a point; thence continuing along said common boundary line of said "Abrams Park EDC" and said "Abrams I"
23. North 84° 26' 20" East for a distance of 30.00 feet to a point; thence continuing along said common boundary line of said "Abrams Park EDC" and said "Abrams I"
24. North 78° 37' 08" East for a distance of 120.04 feet to a point; thence continuing along said common boundary line of said "Abrams Park EDC" and said "Abrams I"
25. North 84° 26' 60" East for a distance of 60.00 feet to a point; thence continuing along said common boundary line of said "Abrams Park EDC" and said "Abrams I"
26. North 81° 49' 12" East for a distance of 60.00 feet to a point; thence continuing along said common boundary line of said "Abrams Park EDC" and said "Abrams I"
27. North 73° 56' 00" East for a distance of 30.14 feet to a point; thence continuing along said common boundary line of said "Abrams Park EDC" and said "Abrams I"
28. North 60° 50' 46" East for a distance of 30.00 feet to a point; thence continuing along said common boundary line of said "Abrams Park EDC" and said "Abrams I"
29. North 48° 12' 28" East for a distance of 30.00 feet to a point; thence continuing along said common boundary line of said "Abrams Park EDC" and said "Abrams I"
30. North 52° 51' 03" East for a distance of 30.00 feet to a point; thence continuing along said common boundary line of said "Abrams Park EDC" and said "Abrams I"
31. North 60° 24' 58" East for a distance of 30.00 feet to a point; thence continuing along said common boundary line of said "Abrams Park EDC" and said "Abrams I"

EDC Parcels L5.6.1, L5.6.2, E4.3.2.1, & E4.6.1
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Monterey County, California

32. North 70° 41' 24" East for a distance of 29.18 feet to a point; thence continuing along said common boundary line of said "Abrams Park EDC" and said "Abrams I"
33. North 20° 10' 59" West for a distance of 11.14 feet to the most southwesterly corner of Parcel 1 as it is shown on that certain map recorded in Volume 19 of Surveys at Page 116; thence continuing along said common boundary line of said Parcel 1 and said "Abrams I"
34. North 75° 31' 15" East for a distance of 42.50 feet to a point; thence continuing along said common boundary line of said Parcel 1 and said "Abrams I"
35. North 79° 28' 18" East for a distance of 61.18 feet to a point; thence continuing along said common boundary line of said Parcel 1 and said "Abrams I"
36. North 86° 15' 42" East for a distance of 57.70 feet to a point; thence continuing along said common boundary line of said Parcel 1 and said "Abrams I"
37. North 77° 09' 24" East for a distance of 50.29 feet to a point; thence continuing along said common boundary line of said Parcel 1 and said "Abrams I"
38. North 58° 49' 00" East for a distance of 30.19 feet to a point; thence continuing along said common boundary line of said Parcel 1, said "Abrams Park EDC" and said "Abrams I"
39. North 44° 21' 31" East for a distance of 46.10 feet to a point; thence continuing along said common boundary line of said Parcel 1 and said "Abrams I"
40. North 45° 13' 17" East for a distance of 27.55 feet to a point; thence continuing along said common boundary line of said Parcel 1 and said "Abrams I"
41. North 54° 30' 03" East for a distance of 20.02 feet to a point; thence continuing along said common boundary line of said Parcel 1 and said "Abrams I"
42. North 52° 27' 01" East for a distance of 29.30 feet to a point; thence continuing along said common boundary line of said Parcel 1 and said "Abrams I"
43. North 41° 35' 04" East for a distance of 40.19 feet to a point; thence continuing along said common boundary line of said Parcel 1 and said "Abrams I"

EDC Parcels L5.6.1, L5.6.2, E4.3.2.1, & E4.6.1
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Monterey County, California

44. North 38° 49' 07" East for a distance of 49.82 feet to a point; thence continuing along said common boundary line of said Parcel 1 and said "Abrams I"
45. North 35° 36' 31" East for a distance of 68.09 feet to a point; thence continuing along said common boundary line of said Parcel 1 and said "Abrams I"
46. North 31° 56' 25" East for a distance of 66.72 feet to a point; thence continuing along said common boundary line of said Parcel 1 and said "Abrams I"
47. North 24° 25' 25" East for a distance of 28.43 feet to a point; thence continuing along said common boundary line of said Parcel 1 and said "Abrams I"
48. North 16° 29' 59" East for a distance of 21.89 feet to the easterly corner of said Parcel 1 being also an angle point in the southeasterly boundary of said "Abrams Park EDC"; thence leaving said boundary line of said Parcel 1 and running along the boundary line of said "Abrams Park EDC"
49. North 14° 15' 24" East for a distance of 81.63 feet to the beginning of a non-tangential curve; thence leaving said boundary of said "Abrams Park EDC"
50. Along a curve to the right, the center of which bears South 14° 16' 01" West for a distance of 585.00 feet, through an angle of 61° 21' 53", having a radius of 585.00 feet, for an arc distance of 626.54 feet, and whose long chord bears South 45° 03' 03" East for a distance of 597.03 feet to a point of intersection with a tangent line; thence
51. South 14° 22' 07" East for a distance of 96.27 feet to a point; thence
52. South 14° 26' 33" East for a distance of 506.32 feet to a point on the northerly boundary of said Parcel 1 as it is shown on Volume 20 of Surveys at Page 110; thence along said northerly boundary
53. North 61° 00' 00" East for a distance of 14.12 feet to the beginning of a curve; thence continuing along said northerly boundary
54. Along a curve to the left through an angle of 03° 37' 20", having a radius of 2228.00 feet, and whose long chord bears North 59° 11' 20" East for a distance of 140.83 feet to the beginning of a non-tangential curve; thence leaving said northerly boundary
55. Along a curve to the left, the center of which bears North 50° 27' 17" East for a distance of 80.00 feet, through an angle of 85° 07' 54", having a radius of 80.00 feet, for an arc

EDC Parcels L5.6.1, L5.6.2, E4.3.2.1, & E4.6.1
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distance of 118.87 feet, and whose long chord bears South 82° 06' 40" East for a distance of 108.23 feet to the beginning of a non-tangential curve; thence

56. Along a curve to the left, the center of which bears North 34°40'37" West for a distance of 2300.00 feet, through an angle of 05° 19' 23", having a radius of 2300.00 feet, for an arc distance of 213.68 feet, and whose long chord bears North 52° 39' 42" East for a distance of 213.60 feet to a point of intersection with a tangent line; thence
57. North 50° 00' 00" East for a distance of 503.69 feet to a point; thence
58. North 37° 47' 27" West for a distance of 64.73 feet to a point; thence
59. Along a curve to the right, the center of which bears South 32°44'58" East for a distance of 920.00 feet, through an angle of 14° 13' 18", having a radius of 920.00 feet, for an arc distance of 228.36 feet, and whose long chord bears North 64° 21' 41" East for a distance of 227.77 feet to a point of intersection with a non-tangential line; thence
60. South 43° 42' 31" East for a distance of 143.48 feet to a point; thence
61. South 50° 00' 00" West for a distance of 733.12 feet to the beginning of a curve; thence
62. Along a curve to the right through an angle of 07° 22' 24", having a radius of 2435.00 feet, for an arc distance of 313.36 feet, and whose long chord bears South 53° 41' 12" West for a distance of 313.14 feet to a point of intersection with a non-tangential line; thence
63. South 61° 58' 59" West for a distance of 286.72 feet to the beginning of a non-tangential curve; thence
64. Along a curve to the right, the center of which bears North 29° 00' 00" West for a distance of 1525.00 feet, through an angle of 14° 59' 60", having a radius of 1525.00 feet, for an arc distance of 399.24 feet, and whose long chord bears South 68° 30' 00" West for a distance of 398.10 feet to a point of intersection with a tangent line; thence
65. South 76° 00' 00" West for a distance of 2806.49 feet to a point; thence
66. South 80° 35' 53" West for a distance of 1186.14 feet to a point; thence
67. South 02° 27' 15" West for a distance of 70.23 feet to a point; thence
68. South 72° 22' 46" West for a distance of 218.72 feet to a point; thence

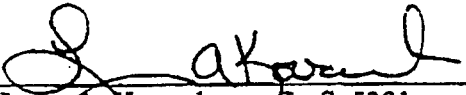
EDC Parcels L5.6.1, L5.6.2, E4.3.2.1, & E4.6.1
FOST 9
Fort Ord Military Reservation
City of Marina
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69. North $42^{\circ} 00' 00''$ West for a distance of 478.15 feet to the beginning of a non-tangential curve; thence

70. Along a curve to the left, the center of which bears North $41^{\circ} 34' 46''$ East for a distance of 550.00 feet, through an angle of $55^{\circ} 34' 46''$, having a radius of 550.00 feet, for an arc distance of 533.52 feet, and whose long chord bears South $76^{\circ} 12' 37''$ East for a distance of 512.85 feet to the POINT OF BEGINNING.

Containing an area of 98.239 acres, more or less.

This legal description was prepared by


Lynn A. Kovach L. S. 5321
My license expires December 31, 2005



EDC Parcels L5.6.1, L5.6.2, E4.3.2.1, & E4.6.1
FOST 9
Fort Ord Military Reservation
City of Marina
Monterey County, California

69. North $42^{\circ} 00' 00''$ West for a distance of 478.15 feet to the beginning of a non-tangential curve; thence

70. Along a curve to the left, the center of which bears North $41^{\circ} 34' 46''$ East for a distance of 550.00 feet, through an angle of $55^{\circ} 34' 46''$, having a radius of 550.00 feet, for an arc distance of 533.52 feet, and whose long chord bears South $76^{\circ} 12' 37''$ East for a distance of 512.85 feet to the POINT OF BEGINNING.

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EXHIBIT OF

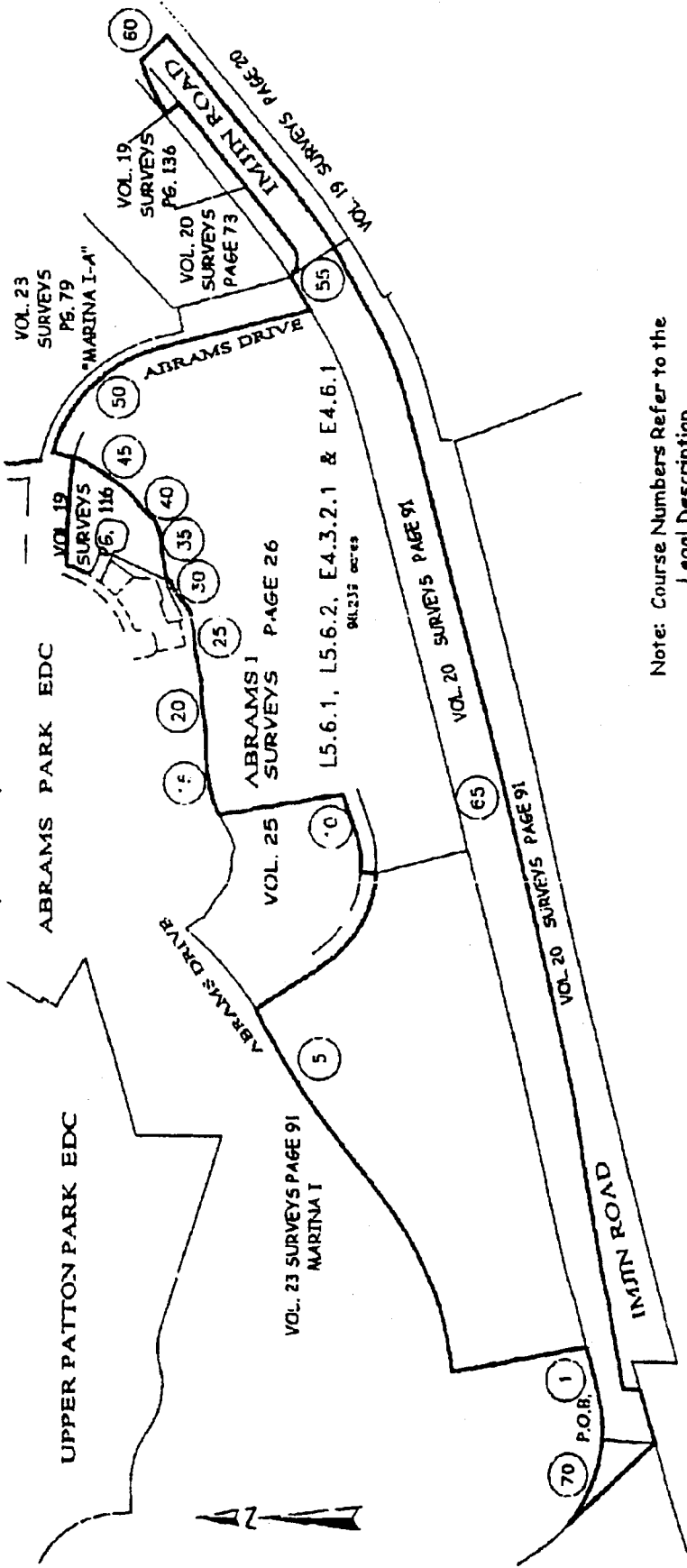
PARCELS L5.6.1, L5.6.2, E4.3.2.1, & E4.6.1

Marina Jurisdiction, Fort Ord, FOST 9 EDC

Lying within "Marina I"

as shown on Vol. 23 of Surveys at Page 91 and Parcel 1, Vol. 20
of Surveys at Page 110,

Being also withing Fort Ord Military Reservation and
Monterey City Lands Tract No. 1
Monterey County, California



Note: Course Numbers Refer to the
Legal Description